

## CONNECTICUT SITING COUNCIL

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### RESPONSE TO APPLICANT'S LATE-FILE EXHIBIT OF 7/14/09

**Docket/Petition No. 379**

**Town/City: Bloomfield**

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The response from the applicant is surprising, even considering their statements during the hearing. The tower has been sought for over three years, and they stated they were in discussions with Auer Farm for several months. Yet, when the board voted down the proposal, we are to believe SBA didn't even inquire as to why? Given all of their efforts, they just took the answer of "no" without question, weren't interested in learning any details as to the reasons for the rejection (particularly when this could help them on subsequent approaches to other parties), and were willing to just pack it in at that point and walk away without any idea why their efforts had failed. I could comment at length at how absurd and ridiculous that sounds, but why bother with the obvious – let's just leave it with the opinion it certainly doesn't say much for the thoroughness of their due diligence!

Their assertion that they are "not mind readers" and do not know the reason for the rejection does not prevent them from hazarding a logical guess, especially given the comments made by Elizabeth Auerbach Schiro in her request for intervener status. The Cider Hill orchards are directly above Burr Road, as well as directly adjacent to the Auer Farm property her family deeded to the 4-H Education Center, and will have a direct view of the proposed tower. She states explicitly "we believe the council will easily see the adverse affect that this development will have on the views, the historical value of the land itself," etc. She goes on to state "We have no intention of allowing this legacy, our remaining property or its surroundings to be disturbed or adversely impacted by the development of a wireless communication site." This is surely a good indication of the strong feelings toward this tower of an obviously very interested party, which are mirrored by the personal beliefs of a number of my neighbors and obviously myself. One would logically suspect the Auer board members might just feel similarly.

As mentioned in Mrs. Schiro's intervener request, the web site [www.auerfarm.org](http://www.auerfarm.org) conveys the importance of this property to the community. The 4-H Education Center is partnered with UConn's College of Agriculture and annually gives over 18,000 children the chance to learn first-hand about farm life. The Auer Farm has been around since early last century, hosted the annual Connecticut Farm Conference in the 1940's and 1950's, and was visited by many international farmers as well as dignitaries including Eleanor Roosevelt. Mrs. Beatrice Fox Auerbach managed the farm for 40 years, and her family

deeded the property to 4-H out of respect for her legacy. Such an important property to the history of American farming certainly deserves to be protected, and tainting the landscape around it with such an out-of-place sight as a tall, obtrusive metal tower seems highly inappropriate and objectionable.

The Hartford Courant published a nice piece on 7/20/09 that aptly summarized the situation. It discussed the application, opposition by neighbors and the 4-H Center, some of the historical facts about Auer Farm, and specific quoted excerpts from Mrs. Schiro's intervener request. It stated, "Nearby residents, though, say the tower should not be built because it would spoil the views of surrounding farmland."

It is readily apparent from all of the documented concerns made on this subject that the board most likely had, at minimum, concerns over the appropriateness of a steel monopole tower rising over the rural landscape of their property. Over the months SBA Towers was negotiating with Auer Farm, I would have to think some feedback was given between the parties, and I cannot believe the impact to the setting of the farm never came up in conversation. Apparently the applicant's counsel was not curious enough to inquire into the specific reasons why they had failed, so I decided to look into this on my own.

I talked with Mrs. Schiro who reiterated how strongly opposed she is to this tower. In sum, she feels a telecommunications tower has no place in this area, and wishes to fight against it as necessary. Since she is not on the Auer Farm board, however, she could not speak directly for them and their opinions. She told me she was glad I had taken the time to get involved, wished me luck with my participation, and expressed her hopes that we would be successful in defeating the proposal.

I then contacted one of the board members who gave me insight into their decision. There had been the expected opposition voiced on preserving the open land in its pristine condition, and the opinion the tower was not appropriate on this farmland. Interestingly, the logical guess I was willing to hazard was indeed appropriate. As I would expect given the generosity of the gift, with Mrs. Schiro so adamantly against putting the tower on the property, the board felt they had some accountability to such an important benefactor. The Auerbach family has a long tradition of giving, not just to the 4-H Center but also to many other community groups, so it was deemed best to act in accordance with her wishes.

Of note, another major concern of the board was a backup generator required for the tower, powered by natural gas. This called for a 1,000-gallon tank, which some members were concerned with, especially given the number of young people who visit the center. I would have to agree, and share this concern over the tank, if still planned, being in our residential neighborhood. I was told, however, that it was their desire to vote in line with Mrs. Schiro's viewpoint that was the deciding factor in their decision.

So, in the end, the biggest reason for the Auer Farm rejection centered on the tower's detrimental impact to the farm's landscape. Not a surprise to me, as I have visited the farm on a number of occasions and seen how everyone there just marvels at the wonderful setting. I know personally that during their fall harvest celebration, where they offer hayrides around their property, the farm staff takes great pride in the beautiful views surrounding them, especially at that time when the autumn colors are spectacular. It is an attribute that should not be taken lightly – a case of a picturesque New England rural setting now facing the threat of being destroyed by a "war of the worlds"-type monstrosity.

Given the beauty of the area and historical relevance of the Auer Farm, I was also dismayed that no representatives of the Bloomfield town government were present at the 7/9/09 hearing. Directly quoting from the town's website, "*Bloomfield, Connecticut—As Beautiful as its Name Implies! Bloomfield is a picturesque Connecticut village, but there is more going on here than just aesthetics. Graced with rural beauty, homeowners value our Town as a quiet, friendly haven from the big cities.*" Director of Planning and Zoning Mr. Thomas Hooper had made the initial suggestion to investigate Auer Farm as a potential site. Along with Town Manager Louie Chapman, Jr., I believe both individuals need to be aware of the feelings of a concerned citizen within their constituency, so I am forwarding each a copy of this formal response. I would appreciate any subsequent input they can provide to this investigative process.

At the conclusion of my formal statement at the hearing, the siting council asked me some leading questions. I was somewhat taken aback by these obviously skewed inquiries, as I personally would find them more appropriate during cross-examination by the applicant's counsel, not from a supposedly unbiased and impartial panel. As a result, I believe this subject warrants some reflection.

I was questioned whether I use a cell phone, to which I replied "yes." This was quickly followed by whether I have used a cell phone in another town. I can only infer this was a surprisingly direct attack towards my contention this proposal is of primary benefit to out-of-town commuters on Route 185, not local residents, yet being under oath I again just said "yes." Upon subsequent thought, since the subject was breached, I would like to add further comment.

I am not one of those misdirected individuals who must constantly be on a cell phone either talking or texting. In fact, the only reason I even have one is my two young children – it gives me the security of being able to be contacted regardless of where I may be. However, had I put more thought into my second answer, it would have been "not while I'm driving." It is blatantly obvious to me the main objective of SBA's tower is not to service the small population density in this area, but rather to provide enhanced service to commuters on the road. The subject was opened at the hearing, and now it will stoke the fire.

I firmly believe cell phone usage should be outright banned while operating a motor vehicle. Full attention should be placed on driving, yet too many out there basically can't handle doing their business while also chewing gum. There are countless cases of accidents and near-misses resulting from cell usage while driving, with quite a bit of recent media attention on just this subject, and as a motorcycle rider I've seen firsthand how lack of attention behind the wheel can potentially lead to catastrophic results. I hadn't fully considered this before the public hearing, so I'd like to thank the council for bringing to my attention another reason for me to strongly object to this proposal.

I had stated in my pre-filed testimony I felt the proposal did NOT represent a "public need" but rather a service enhancement primarily benefiting these commuters. I will now take this viewpoint one step further – it not only does not fulfill a local public "need," it also aggravates a local public "hazard." If you believe as I do the cell tower is mainly aimed at drivers on Route 185, then the enjoyment and value of my property is not the only thing being degraded. In reality, it is supporting an inherent danger along this main thoroughfare. It was confirmed this area is not a "dead" zone for cell service, so I have to infer the tower simply supports enhanced functionality of the latest phones – WiFi internet access, enhanced text messaging and the like. These functions have no place being active while operating a motor vehicle, so

I'd have to think the applicant's statement of a "need" is again highly questionable, if not objectionable. This section of Route 185 is full of curves and entrances with limited visibility, where a lack of full attention can lead to dangerous consequences. It was not long ago Oksana Baiul found this very fact to be true by crashing at the end of our street – last thing we need is to exacerbate more of the same.

A number of residents spoke up during the hearing, and it is evident I am not alone in considering this tower as a real threat to our neighborhood. I know from the number of concerned neighbors that talked to me after the hearing concluded that there is definitely a common interest. The overall opinion was this tower does not belong in our residential locale. It was good to see my viewpoints shared by others, as there are many benefits of getting more individuals involved in this effort.

Again, the nice thing about a public forum is that ideas are discussed/brainstormed that were not fully considered by all participants. Mr. Cecil Adams brought up a very relevant point during his public comment when he stated the tower installation by Maple Hill Farms is not the "neighborly" thing to do. I hadn't thought of that before, and agree with him wholeheartedly. As another very interested party in this proposal (and as such I am forwarding them a copy of this letter), I believe it is important they understand how their close neighbors feel about the tower they have agreed to allow on their property.

The applicant's evidence described Maple Hill Farms as "while in a residential zone, it is used for non-residential purposes." That usage does not change the fact its location is zoned as residential property, which certainly entails different criteria and consideration than were it located in a commercial zone. As I attested at the hearing, this non-residential usage most probably results from their being "grandfathered" in from having been an operational dairy farm since the early 1930's. Since that time, however, the business has evolved into a vending and delivery company, more of a commercial distribution enterprise that does not reflect the true nature of the area. This evolution has taken it far from its origins of a working farm, and one has to wonder exactly what criteria were used in allowing said "non-residential" purposes in a residential zone, and more importantly whether the assumptions made at that time are still applicable. It is basically in the middle of a residential neighborhood, so there are many aspects of Maple Hill's operations, including this tower installation, which could lead to added scrutiny on just what is acceptable within a zone of this type given its current usage.

For example, it is quite a noisy operation at times, with loud trucks leaving at all hours of the night, and lawn mowers often starting very early on weekend mornings. Residential neighbors may wonder whether a noise abatement period might be in order, say from the hours of 7pm to 7am. I can assure you this is not uncommon in this kind of situation, and there are local precedents that can be provided. As long as we're on the subject of the trucks, they cause an awful lot of commercial traffic through our residential neighborhood. Neighbors may wonder whether a traffic restriction might be in order, prohibiting the trucks from using Burr Road other than as an egress to Route 185.

Then there is the fuel for the trucks. I have been told there are open gas pumps on said property. Residential neighbors may wonder whether they are appropriate for the zone, updated to the latest requirements, and up to code in regards to the storage tank, delivery system, and the potential need for fume collection. I'm sure there are many other aspects of a commercial business operating in a residential

zone that can be questioned, and I'm sure there are procedural avenues that can be pursued to investigate all in a similar official and thorough manner as has been demonstrated by this siting proposal.

The same can be said for the construction of the tower should it be approved. It has been demonstrated much of the neighborhood strongly wants this proposal to be rejected, so should it pass, attention can be moved to ensuring all activities are carried out within established requirements for a residential area. Neighbors may be concerned about the impact and interruption to their daily lives. Neighborhood watches can be extremely effective, and a quick inquiry can easily be made if any aspect may be considered as disruptive or potentially out of line.

One benefit of the hearing was it has bonded many from the neighborhood through a common objective, and while Maple Hill Farms has always been a good neighbor, this latest proposal has rubbed many of us the wrong way. I'm not sure if any great philosopher has stated similar, but suffice it to say, "An angry spurned friend makes a highly motivated opponent." I hold no ill will toward Maple Hill Farms, and wish to avoid proceeding with actions that would harm a relationship that to date has been favorable, but feel very strongly their latest venture is misguided and inappropriate for the neighborhood.

To summarize, as I stated in my intervener request, I will participate in this process to the full extent necessary to see the proposal defeated. You would like to think a logical argument to protect something you care deeply about would suffice, but often it doesn't. A conscious decision must then be made on how far you're willing to take things. It is obvious from the emotions expressed by a number of neighbors that this tower is considered a threat to the neighborhood, and all seem willing to make that extra effort to do whatever it takes to prevent it from happening. While this was not my original intention - rather to just voice my concerns for due consideration - what I witnessed at the hearing has turned up my passion to fight this proposal even more fervently, and to drive others to add their efforts toward a united front.

Respectfully,

Thomas H. Midney

Signed: \_\_\_\_\_

Date: 8/1/09

Cc: 15 Copies – Siting Council  
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Kenneth C. Baldwin (Robinson & Cole)  
Joey Lee Miranda (Robinson & Cole)  
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Thomas Hooper (Town of Bloomfield)  
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William A. Miller (Maple Hill Farms)  
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Bcc: Cecil & Jill Adams (1101 Mountain Rd.)  
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